

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Prisons Department – NHRC Case No.300/1/7/2012-JCD/UC - Death of Undertrial Prisoner No.9446, Kothalla Vikas involved in Crime No.1018/2011 – Entrustment of the case to CB CID for enquiry into the cause of death of the prisoner – Orders – Issued.

HOME (PRI.HRC) DEPARTMENT

G.O.Rt.No. 444

DATED:16-04-2014

Read the following:-

1. From the Director General of Prisons & Correctional Services, A.P., Hyderabad, Letter No.Jud-3/156/2012, dated 11-10-2013.
2. From the Collector and District Magistrate, Hyderabad, Magisterial Enquiry Report Lr.No.A/192/2012, dated 11-03-2013.
3. From the Assistant Registrar (Law) National Human Rights Commission, New Delhi, Letter No. 300/1/7/2012-JCD/UC, dated 24-12-2014.

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ORDER:

The Director General of Prisons and Correctional Services, A.P., Hyderabad in his letter 1st read above has stated that the Under Trial Prisoner No.9446, Kothalla Vikas, S/o Isthari aged (30) years, R/o Bhavani Colony, Rajendra Nagar, Ranga Reddy District was admitted in Central Prison, Cherlapally on 07-12-2011 in Cr.No.1018/2011 of Police Station, Rajendra Nagar, u/s 302 & 498-A IPC on the file of Hon'ble VII Metropolitan Magistrate, Cyberabad at Rajendranagar. On admission, the prisoner was subjected to medical examination and his health condition was recorded in the proforma prescribed by Hon'ble National Human Rights Commission, New Delhi. As seen from the proforma, the prisoner was not suffering from any disease till his death. On 05-03-2012 at about 4-50 P.M, the said prisoner fell down suddenly and became unconscious. The Jail Medical Officer immediately examined the prisoner and referred him to Gandhi Hospital, Secunderabad at 5.00 P.M. He was sent to Gandhi Hospital, Secunderabad in Jail Ambulance. As seen from the out-patient ticket issued by the Gandhi Hospital, Secunderabad, the prisoner was examined by the medical officer at 6-10 P.M on 05-03-2012 and declared dead at 6-15 P.M. As per the postmortem report there are "No ante mortem or post mortem injuries present over the body of the deceased. The Final Opinion, FSL Report is negative and there are no other reports pointing towards any foul play. Hence there is no negligence on the part of the Government authorities.

2. The Collector and District Magistrate, Hyderabad in his letter 2nd read above has submitted the detailed Magisterial Enquiry Report and it shows that the prisoner, Kothalla Vikas s/o Isthari was aged 30 years. As per the statement of the medical officer of the Central Prison, Cherlapally, the prisoner never took any medical treatment in prison hospital or outside in any hospital. The prisoner had no obvious disease. The Assistant Professor, Department of Forensic Medicine of the Medical College who conducted post mortem examination found bluish discoloration of nails, lips, cyanosed eyes and internal organs congested which lead to the possibility of the poison and he opined that the cause of death of the deceased may be due to some unknown poison, It is true that examination of viscera, no poisonous substance was found as the viscera was

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sent for analysis for a lapse of 2 1/2 months due to which there was a chance of error in the result. The Station House Officer, P.S, Chilkalaguda neither deputed the Investigation Officer nor submitted the final report u/s 173 Cr.P.C. In the absence of depositions and final report, the Magistrate has concluded that it is not possible to rule out an element of foul play behind the death of the deceased prisoner, Kothalla Vikas and recommended for further investigation to unearth the actual cause of death.

3. The Assistant Registrar, National Human Rights Commission in his letter 3rd read above, has stated that the matter was considered by the Commission on 23-12-2013 and after perusal of the records Hon'ble Commission recommended the Government to pay a sum of Rs.1.00 lakh as monetary relief to the next kin of the deceased prisoner, Kothalla Vikas and also directed to get a thorough enquiry conducted through an independent agency into the cause of death of the prisoner and if any officer/official is found guilty/responsible, an appropriate action be taken against them and furnish action taken report to the Hon'ble Commission.

4. The Government after careful examination of the matter and keeping in view of the directions of National Human Rights Commission, hereby entrust case to the CB-CID, Hyderabad for enquiry into the cause of death of the prisoner, Kothalla Vikas S/o Isthari and submit the report to Government within one month (Copies of the references read above are enclosed for ready reference.)

5. The Director General of Prisons & Correctional Services, A.P., Hyderabad shall take necessary steps to furnish the details of the documents to the Additional Director General of Police, CBCID, A.P., Hyderabad and also take necessary steps for ensuring speedy investigation, including appointing a Nodal Officer, to assist the Additional Director General of Police, CBCID, A.P., Hyderabad as per the instructions issued in the U.O.Note No.1067/L&O-1/A1/2000-4, dated 30-10-2000 General Administration (Law & Order-1) Department.

6. This order issues with the concurrence of the Home (SC.B) Department vide their U.O.No.81/SC.B/A1/2014, dated 09-04-2014.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

T.P.DAS
SPECIAL CHIEF SECRETARY TO GOVERNMENT (FAC)

To

The Additional Director General of Police, CBCID, Hyderabad (w.e)

The Director General of Prisons & Correctional Services, A.P., Hyderabad.

Copy to

The General Administration (HRC) Department.

The Home (SC.B) Department.

The Law (E) Department.

The Superintendent, Sub-Jail, Armoor, Nizamabad District.

The Assistant Registrar (Law), National Human Rights Commission,
Manav Adhikar Bhavan, Block 'C', GPO Complex, INA, New Delhi.

//FORWARDED :: BY ORDER//

SECTION OFFICER